

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 26, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred H. B. No. 456, A bill to be entitled "An Act amending Subdivision 63, of Article 199, Title 8, Revised Civil Statutes of Texas of 1925, providing for the terms of court in the Sixty-third Judicial District and the time of holding of same; etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

SMALL, Chairman.

Committee Room,
Austin, Texas, March 26, 1935.
Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Insurance, to whom was referred

S. B. No. 416, A bill to be entitled "An Act amending Chapter 3, Title 78, Revised Civil Statutes of Texas, 1925, by adding a new Article to be known as Article 4764c, to provide that no portion of the net premium collected upon any policy issued or delivered in this State shall ever be used or applied for the payment of any expenses of the Company, repealing all laws in conflict herewith and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, with committee amendment, and be printed.

COLLIE, Chairman.

Committee Amendment.

Amend S. B. No. 416 by striking out the last sentence in Article 4764c in Section 1 of the bill.

Minutes of Committee Meetings.

Minutes of Committee on Insurance,
Held March 26, 1935.

Regular Meeting.

Present: Collie, Cotten, DeBerry, Holbrook, Moore, Pace, Shivers, Sulak, Westerfeld, Woodruff.

Absent: Poage, Rawlings.

S. B. No. 416 was reported favorably, with amendment, by viva voce vote.

S. B. Nos. 414, 415 and 417 were set for special order Thursday, March 28, at 4:00 p. m., on motion of Senator Pace.

Senator Woodruff moved that the committee reconsider the vote by which it reported favorably to the Senate, S. B. No. 147, with recommendation that it do pass.

Senator Holbrook raised the point of order that S. B. No. 147 had already passed out of the committee and is now before the Senate, and could not be reconsidered by the committee as the Senate had refused to recommit the bill to the committee.

The Chair sustained the point of order.

ANNA MAY CULLEN,
Secretary.

FORTY-THIRD DAY.

Senate Chamber,
Austin, Texas,
March 27, 1935.

The Senate met at 10:00 o'clock a. m. pursuant to adjournment, and was called to order by Lieutenant Governor Walter F. Woodul.

The roll call disclosed a quorum, the following Senators being present:

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum. Hughston.

Prayer by the Chaplain.

Further reading of the Journal was dispensed with on motion of Senator Burns.

Petitions and Memorials.

(See Appendix.)

Committee Reports.

(See Appendix.)

Minutes of Committee Meetings.

(See Appendix.)

Bills and Resolutions.**S. C. R. No. 28.**

Senator Hornsby sent up the following concurrent resolution:

Whereas, at the State Convention of the Texas Federation of Garden Clubs, in 1932, a resolution was originated and presented by Mrs. James Luther Mims, the then chairman of the State Conservation and Beautification Board of the Texas Federation of Garden Clubs, and was unanimously adopted and reads as follows:

"The Texas Federation of Garden Clubs believing that the native beauty of Texas is so interlinked with the unique history of this State, that it is worthy of protection, appreciation and preservation for future generations, do hereby set aside the week including April 21st (Texas Independence Day) and April 24th (National Wildflower Day) as Conservation and Beautification Week; also urge the celebration of this week in a manner that will be in keeping with the principles upheld by those who advocate conservation; also the promotion of all types of programs and work that will educate the people to a greater pride in the protection of the native beauty of this State and to a new appreciation of the beautiful symbolisms and legends about our wildflowers and other native flora, insisting that people 'enjoy, do not destroy the wildflowers'."

Whereas, Said Conservation and Beautification Week was observed by official proclamation of Governor Miriam A. Ferguson in April, 1934, thus establishing its observance of value in the opinion of the then highest authority in the State who gave it this official recognition that was appreciated throughout Texas and was recognized as a commendable act contributing much of both educational and commercial value to Texas; and,

Whereas, All work of permanent value usually comes through the slow process of the education of a people to greater appreciation and interest in things of lasting importance to a country; and,

Whereas, through ignorance,

thoughtlessness, lack of vision and the often necessary and swiftly moving progress of civilization much of priceless value of both the historical and natural beauty assets of our State has already been destroyed depriving Texas of much of inestimable worth especially at this time when it could have contributed much to commemoration of the occasion of the Texas Republic Centennial period; and,

Whereas, The observance of such a week will contribute to the commemoration of said Texas Centennial and can be considered as an emergency measure for its observance; and,

Whereas, It is the sense of the Legislature that it is our duty to encourage the protection and make the most of all of that of historic and scenic worth to Texas that posterity can also benefit from the natural resources, beauty and historical things that we have today and need for the good and happiness of our people and that of generations yet to come; now, therefore, be it

Resolved by the Senate of the State of Texas, the House of Representatives concurring, that Texas Conservation and Beautification Week be observed each year at that time which shall include April twenty-first, San Jacinto Day, and April twenty-fourth, National Wildflower Day, said week beginning two days before the twenty-first of April and ending two days after April twenty-fourth, and that said week shall be observed so that it contributes to the conservation and beautification of the State and to the happiness and lasting benefit of its people, thus making known, enforcing and teaching respect for the written and unwritten conservation laws of our country, thus showing our respect and appreciation for all that is ours to cherish while we live and should preserve for posterity here where "the heavens declare the glory of God and the firmament showeth His handiwork."

HORNSBY.

Read.

Senator Hornsby moved that the constitutional rule requiring resolutions to be referred to a committee be suspended, and that S. C. R. No. 28 be taken up and considered at this time.

The motion prevailed by viva voce vote.

S. C. R. No. 28 was adopted by viva voce vote.

S. C. R. No. 29.

Senator Poage sent up the following concurrent resolution:

Whereas, Texas is the chief cotton producing and cotton exporting state of the American Union, and cotton is, always has been and should remain the chief crop of this State; and,

Whereas, The cotton business in this State as it effects both the manufacturers and producers of cotton is faced with a situation calculated, if continued, to utterly destroy the supremacy long held by this section and to take from this State our greatest money crop, thereby throwing thousands of producers and manufacturers of cotton upon the relief rolls to further burden those who are still able to contribute to the support of the government; and,

Whereas, The impending destruction of the cotton manufacturing and cotton growing industry throughout the United States is not only adding to the relief problem, but is seriously impairing the price which the Texas farmer is able to obtain for his crop and is thereby destroying the value of his lands which constitute the home of our people as well as the basis of our wealth; and,

Whereas, Manufacturers of cotton in certain foreign lands have been able, through the purchase of cotton in the United States by means of a favorable rate of exchange, and by the mixture of as high as two-thirds foreign growth with American cottons, and through the use of cheap labor largely composed of children toiling long hours seven days a week, to actually import into the United States foreign made textiles and under sell our American cotton manufacturers who are paying for American cotton with American money and spending same under humane and advanced labor conditions and using 100 per cent American cotton, and in the case of Japan these imports of foreign manufacture of textiles have increased from approximately one million square yards of fabric in 1933 to more than twenty-one million square yards in the first two months in 1935, thereby displacing not only American labor but American grown cotton as well,

and actually bringing on to the American market textiles containing as much as two-thirds Indian and Brazilian cotton; and,

Whereas, The United States has very properly sought to advance the interests of the American farmer and working man, but has incidentally and necessarily levied certain taxes and promulgated certain regulations in connection with the recovery program of the administration, which have inevitably added to the cost of American cotton manufacturers and among such practices and regulations is the requirement that American mills pay the processing tax on all cotton used by them at the time the bales were broken open, although the manufactured product may not be sold for many months or even years later, thereby compelling the mills to carry a burdensome interest charge; and,

Whereas, It is believed that the Federal Government could greatly alleviate these conditions and render an invaluable service to the cotton manufacturing and cotton producing industry of Texas and the nation by so adjusting present regulations as to allow the processing tax to be paid when the processed goods are actually placed in the channels of trade, and by applying such tax to foreign manufactured textiles as well as domestic, and especially by giving the cotton industry the same protection against foreign produced cotton as is now extended to other manufacturing industries of the nation; therefore, be it

Resolved by the Senate of Texas, the House of Representatives concurring, That the President of the United States and the Congress, be and they are hereby requested to take all steps necessary to relieve the cotton manufacturing industry of the unnecessary and unjustifiable interest burden imposed on it by the present method and date of collection of the processing tax, and to allow same to be paid when the processed product is first placed in the channels of trade, and that they make all necessary provision for the collection of a like tax from all textiles sold within the United States, no matter where processed, and, further, that they take immediate steps to provide for the cotton manufacturing and producing industries of this

country the same protection against foreign textiles and foreign grown cotton as is provided other industries by means of a tariff sufficient in amount to offset the financial advantage that Japanese and other foreign competitors now enjoy by the use of pauper and child labor for unconscionable hours and coolie wages and by the mixing of foreign grown cotton with the superior American product; and be it further

Resolved, That the President be requested to take immediate action to regain our foreign trade through negotiation of reciprocal trade treaties with other nations to the end that our foreign trade may be in some measure restored; and be it further

Resolved, That both the President and the Congress be requested to give this matter their immediate attention that action may be had before the basic industry of the South is utterly destroyed by the rapidly approaching disaster now impending; and be it further

Resolved, That his Excellency, Governor Jas. V. Allred, be and he is hereby requested to officially deliver this resolution in person, if convenient, to the President of the United States and to deliver to each of the United States Senators and Representatives from the State of Texas a copy hereof.

POAGE,
VAN ZANDT,
DUGGAN.

Read and referred to the Committee on Agriculture.

H. C. R. No. 50.

The Chair laid before the Senate by unanimous consent:

H. C. R. No. 50, Authorizing the appointment of a committee of five members from the House and three members from the Senate to make a study of the cotton export situation.

Motion to Lay on the Table.

Senator DeBerry moved to lay H. C. R. No. 50 on the table subject to call.

The motion prevailed by viva voce vote.

House Bill No. 11.

Senator Westerfeld moved that the H. B. No. 11 be set for special order at 2 o'clock p. m., today.

Substitute Motion.

Senator Redditt made a substitute motion that H. B. No. 11 be set for special order after the disposition of H. B. No. 417.

The substitute motion prevailed by the following vote:

Yeas—26.

Beck.	Pace.
Blackert.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
DeBerry.	Shivers.
Duggan.	Small.
Hornsby.	Stone.
Martin.	Sulak.
Moore.	Van Zandt.
Neal.	Westerfeld.
Oneal.	Woodruff.

Present—Not Voting.

Hill.

Absent.

Holbrook. Hopkins.

Absent—Excused.

Fellbaum. Hughston.

House Bill No. 779.

Conference Committee Report.

Senator Sulak sent up the Conference Committee report on H. B. No. 779, which was privileged matter:

Committee Room,
Austin, Texas, March 25, 1935.
Hon. Walter F. Woodul, President of the Senate.

and

Hon. Coke Stevenson, Speaker of the House of Representatives.

Sirs: We, your Conference Committee, to whom was referred H. B. No. 779, have had same under consideration, and we recommend to the House of Representatives and to the Senate that said bill pass in the form attached hereto.

McKEE,
KNETSCH,
STANFIELD,

On part of the House.

SULAK,
SMALL,
PACE,
MARTIN.

On part of the Senate.

A BILL
To Be Entitled

An Act making available currently the funds now on hand and hereafter accruing to the Jack and Stallion Fund of the State Department of Agriculture under the terms of Act of the Regular Session, Forty-third Legislature, Chapter 162, page 433, as amended Acts of the Forty-third Legislature, First Called Session, Chapter 10, Page 32; providing for the drawing of warrants by the Comptroller and the payment of same by the State Treasurer in accordance with the provisions hereof and with the General Laws; providing that this Act shall not affect the amounts appropriated or to be appropriated to the Jack and Stallion Fund of the State Department of Agriculture, or change the proportion of the proceeds of the Special Racing Fund accruing to said Jack and Stallion Fund of the Department of Agriculture; declaring the intent of this Act; and amending Sub-section 7, Chapter 166, Acts of the Forty-third Legislature, being House Bill No. 167, Pages 428-433, as amended by Chapter 10, Acts Forty-third Legislature, 1933, First Called Session, being House Bill No. 12 of the Session Acts of the First Called Session of the Forty-third Legislature, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. That from and after the effective date of this Act, all funds now on hand and hereafter accruing to the benefit of the State Department of Agriculture out of the Special Racing Fund created under the terms and provisions of Acts of the Regular Session, Forty-third Legislature, Chapter 162, Page 433, as amended Acts of the Forty-third Legislature, First Called Session, Chapter 10, Page 32, shall become available to and for the use of the State Department of Agriculture currently in making expenditures out of the Jack and Stallion Fund for the purpose for which such Fund is created, as such funds accrue. The State Comptroller is hereby authorized and empowered to draw warrants upon said Special Racing Fund and the State Treasurer is hereby authorized and em-

powered to pay such warrants in accordance with the provisions of this Act and with the general provisions of law.

Sec. 2. Nothing in this Act shall be construed either to increase or diminish the amounts of the appropriations heretofore made or hereafter to be made for the operating expenses of the State Department of Agriculture. Nor shall this Act be construed in any manner to affect or change the proportion of the proceeds of the said Special Racing Funds allocated to the State Department of Agriculture, it being the purpose and intent of this Act merely to provide that the Jack and Stallion Fund of the State Department of Agriculture shall receive its proportionate share of said funds currently as same are collected and deposited with the State Treasurer.

Sec. 3. That Sub-section 7, of Chapter 166, Acts of the Forty-third Legislature, 1933, being House Bill No. 167, Pages 428-433 of the Session Acts of the Forty-third Legislature as amended by Chapter 10, Acts of the First Called Session, Forty-third Legislature, 1933, being House Bill No. 12 of the Session Acts of the First Called Session of the Forty-third Legislature, be and the same is hereby amended to read as follows:

"Sub-section 7. The titles of such animals so purchased shall be in the State of Texas. The Commissioner of Agriculture shall keep appropriate written records showing the price paid for each animal, from whom, and where purchased, and obtain a bill of sale for each animal purchased, showing the age and breeding of such animal, the location and the custodian from time to time of such animal. He shall also procure from time to time a report from the County Agent or County Judge of the county where such animal is located, as to the condition and the use made of such animal, and the number of colts foaled in the calendar year in that county.

For the service of such animals so distributed, the Commissioner of Agriculture is authorized to make a charge of not exceeding Five Dollars (\$5) for colts foaled. The amounts so collected by the Commissioner of Agriculture shall be remitted by him through the State

Comptroller to the State Treasurer in The Special Racing Fund and shall be deposited to the credit of the Stallion and Jack Account to be used by the Commissioner of Agriculture for the purchase of additional stallions and jacks and for the maintenance of all State owned stallions and jacks. Provided the Commissioner of Agriculture is hereby authorized to make refunds of such service charges when the animal served has not been foaled by such service, upon due proof thereof being made to the Commissioner of Agriculture on such forms prescribed by him. The Treasurer is hereby authorized to pay warrants drawn by the Comptroller upon such Jack and Stallion Account in The Special Racing Fund upon vouchers issued therefor by the Commissioner of Agriculture.

The Commissioner of Agriculture shall adopt and carry out reasonable rules and regulations with respect to the distribution, care, use and maintenance of such animals. All expenditures thus authorized shall be paid upon accounts approved by the Commissioner of Agriculture, and warrants drawn by the Comptroller on the State Treasurer.

In allotting or distributing said stallions and jacks, the Commissioner of Agriculture shall request and give consideration to the recommendations of the Commissioners Court of the particular counties seeking the distribution of such animals.

The Commissioner of Agriculture annually, in the month of November, shall make and file with the Governor and the Racing Commission a written report showing prices paid for animals purchased by him under this Act, from whom, and where purchased, with a copy of the bill of sale on each animal showing the age and breeding of each respective animal, and the location of such animal, and the name of the then custodian thereof, the amount collected by him as service charges on animals, and the amount paid out in the way of maintenance expense of animals and to whom paid."

Sec. 4. The fact that under the provisions of Acts of the Regular Session of the Forty-third Legislature, Chapter 162, Page 433, as amended Acts of the Forty-third Legislature, First Called Session,

Chapter 10, Page 32, the Special Racing Fund as created in such Act cannot be divided or paid out until the month of December of each year, and the fact that the Department of Agriculture now has on hand and owns a large number of jacks and stallions and has no available funds for the care of same and for the fact that the service fees for jacks and stallions are now required to be deposited to the Racing Fund depriving such Jack and Stallion Account of much needed revenues, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and the same is hereby suspended and this Act shall take effect from and after its passage, and it is so enacted.

Motion to Adopt Report.

Senator Sulak moved the adoption of the Conference Committee Report on H. B. No. 779.

Substitute Motion.

Senator Shivers made a substitute motion that the Senate do not adopt the Conference Committee Report on H. B. No. 779 and that a new conference committee be appointed to adjust the differences between the two Houses.

Motion to Table.

Senator Sulak moved to table the substitute motion of Senator Shivers.

The motion to table lost by the following vote:

Yeas—6.

Holbrook.	Sanderford.
Martin.	Small.
Rawlings.	Sulak.

Nays—19.

Blackert.	Neal.
Burns.	Oneal.
Collie.	Poage.
Cotten.	Regan.
DeBerry.	Shivers.
Duggan.	Stone.
Hill.	Van Zandt.
Hopkins.	Westerfeld.
Hornsby.	Woodruff.
Moore.	

Present—Not Voting.

Redditt.

Absent.

Beck.
Davis.

Pace.

Absent—Excused.

Fellbaum.

Hughston.

The question recurred on the substitute motion.

The substitute motion prevailed by viva voce vote.

Conference Committee Appointed.

The Chair appointed the following Senators on the new Conference Committee on H. B. No. 779 to adjust the differences between the two Houses:

Senators Rawlings, Hill, Holbrook, Burns and Stone.

House Bill No. 257.

Senator Hornsby moved that the Senate grant the request of the House for the appointment of a Conference Committee on H. B. No. 257 to adjust the differences between the two Houses.

Motion prevailed.

Conference Committee Appointment.

The Chair appointed the following Senators as conferees on the part of the Senate on H. B. No. 257:

Senators Hornsby, DeBerry, Woodruff, Poage and Oneal.

House Bill No. 519.

Conference Committee Report.

Senator Redditt sent up the following conference report on H. B. No. 519:

Committee Room,
Austin, Texas, March 26, 1935.
Hon. Coke Stevenson, Speaker of the House of Representatives.
and
Hon. Walter F. Woodul, President of the Senate.

Sirs: We, your committee appointed to adjust the differences between the House and the Senate on H. B. No. 519, beg leave to report that we have considered the same and recommend that it do pass in the form as attached hereto.

WOODRUFF,
REDDITT,
STONE,
BECK.
NEAL,

On part of the Senate.

HYDER,
SPEARS,
TARWATER,
GOOD,
YOUNG,

On part of the House.

H. B. No. 519.

A BILL

To Be Entitled

An Act making an appropriation of Six Thousand, Five Hundred Dollars (\$6,500) to be used by the Secretary of State in paying the unpaid portion of the publication cost of certain Constitutional Amendments; One Thousand, Five Hundred Dollars (\$1,500) for postage and contingent to be used by the Secretary of State; Five Thousand Dollars (\$5,000) for the Secretary of State's office to be used for compiling, editing, printing, indexing and distributing the General and Special Laws and for the distribution of the Journals of the Forty-fourth Legislature; also appropriating the sum of Five Hundred Dollars (\$500) to be used by the State Industrial Accident Board to supplement traveling expenses; also appropriating the sum of Nine Hundred Dollars (\$900) to be used by the State Department of Agriculture to pay salary and expenses of a Weight Inspector, and declaring an emergency.

Be it enacted by the Legislature of the State of Texas:

Section 1. The sum of Six Thousand, Five Hundred Dollars (\$6,500), or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated for the use of the Secretary of State in paying the unpaid portion of the publication cost of the Constitutional Amendments published during 1934. The sum of One Thousand, Five Hundred Dollars (\$1,500), or so much thereof as may be necessary, is hereby appropriated out of any money in the State Treasury not otherwise appropriated, for postage and contingent to be used by the Secretary of State during the remainder of this fiscal year ending August 31, 1935; and the sum of Five Thousand Dollars (\$5,000) is hereby appropriated out of any money in the State Treasury not otherwise appropriated to be used by the Secretary of State in compiling editing, printing, indexing and distributing the General and Special

Laws of the Forty-fourth Legislature, and for the distribution of the Journals of the Forty-fourth Legislature.

"Sec. 1-a. The sum of Five Hundred Dollars (\$500), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to be used by the State Industrial Accident Board to supplement the appropriation heretofore made for the fiscal year ending August 31, 1935, for traveling expenses."

"Sec. 1-b. The sum of Nine Hundred Dollars (\$900), or so much thereof as may be necessary, is hereby appropriated out of any moneys in the State Treasury, not otherwise appropriated, to be used by the State Department of Agriculture, to pay the salary and expenses of a Weight Inspector to be employed and placed in the City of San Antonio, Texas, the salary not to exceed One Hundred and Fifteen Dollars (\$115) per month. The amount appropriated is for the remainder of the fiscal year ending August 31, 1935.

Sec. 2. The fact that the State is indebted to the publishers of the Constitutional Amendments not only for a portion of the publication cost but also because of their cooperation in publishing such amendments when the sum appropriated was insufficient to meet the total cost, and the fact that the publishers of said amendments have already waited several months for the payment of this just debt; the fact that the appropriation heretofore made for postage for the Secretary of State's office is practically exhausted; and the fact that there is an emergency demands the immediate appropriation of the other sums herein provided; and the fact that the balance remaining in the appropriation for compilation and distribution of the laws is insufficient to pay the cost of compiling, indexing, printing and distributing the laws of the Forty-fourth Legislature, create an emergency and an imperative public necessity that the Constitutional Rule requiring bills to be read on three several days be suspended, and the same is hereby suspended, and this Act shall take effect from and after its passage, and it is so enacted.

Motion to Adopt Report.

Senator Redditt moved that the Senate adopt the Conference Committee Report on H. B. No. 519.

The motion prevailed by the following vote:

Yeas—26.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Cotten.	Rawlings.
DeBerry.	Redditt.
Duggan.	Regan.
Hill.	Sanderford.
Holbrook.	Shivers.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.

Nays—2.

Collie.	Sulak.
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Absent.

Davis.

Absent—Excused.

Fellbaum.

Hughston.

S. J. R. No. 18.

Pending business was S. J. R. No. 18.

Senator Oneal sent up the following amendment:

Amend S. J. R. No. 18 by adding at the end of Section 1 thereof, as amended, the following:

"All funds provided from the compensation of said persons or by the State of Texas for such retirement fund as received in the Treasury of the State of Texas shall be invested in bonds of the United States, the State of Texas, or counties or cities of this State, or in bonds issued by any agency of the United States Government, the payment of the principal of and interest on which is guaranteed by the United States, provided that a sufficient amount of said funds shall be kept on hand to meet the immediate payment of the amounts that may become due each year under such retirement payment plan, as may be provided by law."

ONEAL.

Read and adopted.

Senator Holbrook sent up the following amendment:

Amend S. J. R. No. 18 by adding:
"Provided that in any year where
a teacher receives more than \$3,-
600.00, no contribution shall be
made by the State."

HOLBROOK.

Point of Order.

Senator Cotten raised the point of
order that the amendment was out
of order as it was the same amend-
ment in substance as the amend-
ment which was offered by Senator
Holbrook yesterday and was tabled.

The Chair, Senator Rawlings pre-
siding, overruled the point of order.

Senator Holbrook moved the adop-
tion of the amendment.

Motion to Table.

Senator Cotten moved to table the
amendment by Senator Holbrook to
S. J. R. No. 18.

The motion to table prevailed by
the following vote:

Yeas—16.

Beck.	Neal.
Burns.	Pace.
Cotten.	Rawlings.
Davis.	Redditt.
Duggan.	Shivers.
Hornsby.	Stone.
Martin.	Van Zandt.
Moore.	Westerfeld.

Nays—11.

Blackert.	Poage.
Collie.	Regan.
DeBerry.	Sanderford.
Hill.	Sulak.
Holbrook.	Woodruff.
Oneal.	

Absent.

Hopkins.	Small.
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Absent—Excused.

Fellbaum.	Hughston.
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Senator DeBerry sent up the fol-
lowing amendment:

Amend H. J. R. No. 18 by insert-
ing immediately before the Oneal
amendment the following:

"Provided that the State shall not
contribute more than \$2,500 to the
retirement of any individual coming
under the provisions of this section."

DeBERRY.

Read.

Senator Poage sent up the follow-
ing amendment:

Amend DeBerry amendment by
adding after the figures \$2,500.00
the following:

"exclusive of interest."

POAGE.

Read and adopted.

The DeBerry amendment to S. J.
R. No. 18 pending.

Motion to Recess.

Senator Moore at 12:02 o'clock
p. m. moved that the Senate recess
until 2:00 o'clock p. m.

The motion to recess pending.

House Bill No. 569.

Senator Pace received unanimous
consent to suspend the regular order
of business and take up out of reg-
ular order H. B. No. 569.

The Chair laid before the Senate
on its second reading the following
bill:

By Mr. Dunagan:

H. B. No. 569, A bill to be entitled
"An Act authorizing the commis-
sioners' court in the county or coun-
ties containing 22,296 and not more
than 22,580 inhabitants, according to
the last Federal Census, to purchase
out of certain funds of the county,
one truck or pick-up for each com-
missioner precinct, to be used in said
precinct in the official duty of com-
missioner or commissioners, provid-
ing that said truck or pick-up shall
not be used by commissioner, com-
missioners, or anyone else for per-
sonal business or pleasure trips, and
declaring an emergency."

The committee report recommend-
ing that the bill be not printed was
adopted by unanimous consent.

The bill was read second time and
passed to third reading by viva voce
vote.

On motion of Senator Pace, the
constitutional rule requiring bills to
be read on three several days was
suspended and H. B. No. 569 was put
on its third reading and final passage
by the following vote:

Yeas—29.

Beck.	Hill.
Blackert.	Holbrook.
Burns.	Hopkins.
Collie.	Hornsby.
Cotten.	Martin.
Davis.	Moore.
DeBerry.	Neal.
Duggan.	Oneal.

Pace.	Small.
Poage.	Stone.
Rawlings.	Sulak.
Redditt.	Van Zandt.
Regan.	Westerfeld.
Sanderford.	Woodruff.
Shivers.	

Absent—Excused.

Fellbaum.

Read third time and finally passed by the following vote:

Yeas—29.

Beck.	Oneal.
Blackert.	Pace.
Burns.	Poage.
Collie.	Rawlings.
Cotten.	Redditt.
Davis.	Regan.
DeBerry.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Hornsby.	Van Zandt.
Martin.	Westerfeld.
Moore.	Woodruff.
Neal.	

Absent—Excused.

Fellbaum.

Requests to Suspend Regular Order.

Senator Regan asked unanimous consent to suspend the regular order of business to take up out of order a House bill.

There was objection.

Senator Burns asked unanimous consent to suspend the regular order of business to take up out of order a House bill.

There was objection.

Message From the Governor.

The Chair laid before the Senate a message from the Governor.

Point of Order.

Senator Woodruff raised the point of order that the reading of the message from the Governor was out of order, pending the motion to recess.

The Chair, Senator Rawlings presiding, overruled the point of order.

Executive Office,
Austin, Texas, March 27, 1935.
To the Senate of the Forty-fourth Legislature:

This is to officially advise you that I accepted the written resignation of Wallace Hughston as senator from the 10th District, composed of Collin, Hunt, Rockwall and Rains counties, this resignation effective March 20, 1935.

Respectfully submitted,
JAMES V. ALLRED,
Governor of Texas.

Recess.

The motion to recess prevailed at 12:15 o'clock p. m.

After Recess.

The Senate met at 2:00 o'clock p. m. pursuant to recess and was called to order by Lieutenant Governor Walter F. Woodul.

S. J. R. No. 18.

The question recurred on the amendment by Senator DeBerry as amended to S. J. R. No. 18.

Motion to Table.

Senator Cotten moved to table the amendment by Senator DeBerry as amended.

The motion to table prevailed by the following vote:

Yeas—14.

Burns.	Rawlings.
Cotten.	Redditt.
Hopkins.	Regan.
Hornsby.	Sanderford.
Moore.	Shivers.
Neal.	Stone.
Pace.	Van Zandt.

Nays—12.

Beck.	Hill.
Blackert.	Holbrook.
Collie.	Oneal.
Davis.	Poage.
DeBerry.	Westerfeld.
Duggan.	Woodruff.

Absent.

Martin.	Sulak.
Small.	

Absent—Excused

Fellbaum.

Request to Stand at Ease.

Senator Collie asked unanimous consent that the Senate stand at ease subject to the call of the Chair. There was objection.

Motion to Lay on Table.

Senator Regan moved to lay on the table subject to call S. J. R. No. 18.

The motion prevailed by viva voce vote.

House Bill No. 417.

The Chair laid before the Senate on its third reading the following bill:

By Mr. Leonard:

H. B. No. 417, A bill to be entitled "An Act making appropriations to pay salaries to judges, and for the support and maintenance of the judicial department of the State Government for the two (2) year period beginning September 1, 1935, and ending August 31, 1937; requiring certain fees paid to clerks or officers of all appellate courts to be deposited monthly in the State Treasury, and that certain fees be retained by said clerks or officers as additional compensation for their services, etc., and declaring an emergency."

On motion of Senator Redditt H. B. No. 417 was finally passed by the following vote:

Yeas—19.

Beck.	Rawlings.
Burns.	Redditt.
Cotten.	Regan.
Duggan.	Sanderford.
Hopkins.	Shivers.
Hornsby.	Stone.
Martin.	Van Zandt.
Moore.	Westerfeld.
Neal.	Woodruff.
Pace.	

Nays—7.

Blackert.	Oneal.
Collie.	Poage.
DeBerry.	Sulak.
Holbrook.	

Absent.

Davis.	Small.
Hill.	

Absent—Excused.

Fellbaum.

S. J. R. No. 18.

Senator Cotten called from the table S. J. R. No. 18.

Senator Cotten sent up the following amendments:

Amend S. J. R. No. 18, Section 2, line 39, by striking out the word "of" after the word "retirement" and by adding the following:

"And the creation of a retirement fund for."

And amend the resolution by striking out the word "of" at the beginning of line 45 and inserting after the word "retirement" in line 44 the following:

"And the creation of a retirement fund for."

COTTEN.

Read and adopted.

S. J. R. No. 18 was read the second time as amended and passed to engrossment by the following vote:

Yeas—23.

Beck.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Duggan.	Sanderford.
Hill.	Shivers.
Hornsby.	Small.
Martin.	Stone.
Moore.	Van Zandt.
Neal.	Westerfeld.
Oneal.	Woodruff.
Pace.	

Nays—5.

Blackert.	Hopkins.
DeBerry.	Sulak.
Holbrook.	

Absent.

Davis.

Absent—Excused.

Fellbaum.

On motion of Senator Cotten the Senate rule requiring joint resolutions to be read on three several days was suspended and S. J. R. No. 18 was put on its third reading and final passage by unanimous consent.

Senator Collie sent up the following amendment:

Amend S. J. R. No. 18 by adding at the conclusion of the Oneal amendment the following:

"Provided the recipients of this

retirement fund shall not be eligible for any other pension retirement funds or direct aid from the State of Texas, unless such retirement fund is released to the State of Texas as a condition of receiving such other pension retirement fund or aid."

COLLIE.

Read and adopted.

S. J. R. No. 18 was read the third time as amended and finally passed by the following vote:

Yeas—24.

Beck.	Poage.
Burns.	Rawlings.
Collie.	Redditt.
Cotten.	Regan.
Davis.	Sanderford.
Duggan.	Shivers.
Hill.	Small.
Hornsby.	Stone.
Moore.	Sulak.
Neal.	Van Zandt.
Oneal.	Westerfeld.
Pace.	Woodruff.

Nays—4.

Blackert.	Holbrook.
DeBerry.	Hopkins.

Absent.

Martin.

Absent—Excused.

Fellbaum.

House Bill No. 11.

The Chair laid before the Senate on its second reading H. B. No. 11, which had been set for special order.

By Mr. Stinson, Mr. Duvall, Mr. Fuchs, Mr. Reed of Dallas, Mr. Adamson, Mr. Collins, Mr. Harris of Dallas, Mrs. Hughes, Mr. Colquitt, Mr. Hoskins, and Mr. Hill:

H. B. No. 11, A bill to be entitled "An Act making appropriation for the establishment, operation, and maintenance of the Texas Centennial (including the Texas Centennial Central Exposition and other celebrations), for the period beginning February 1, 1935, and ending December 31, 1936; providing that this Act shall supplement the Act passed by the Second Called Session of the Forty-third Legislature creating the Texas Centennial Commission, and that this Act repeals such parts of said former Act as are in direct con-

flict with it; providing for Centennial celebrations in Texas during 1936 at historical places to be determined by Texas Centennial Commission, etc., and declaring an emergency."

(With committee substitute.)

Senator Moore sent up the following amendment:

Amend C. S. to H. B. No. 11, by adding after the word "Texas" in line 63, page 3, the following:

"Out of the said sum of \$1,000,000, \$300,000 or so much thereof as may be necessary shall be used to pay for the erection of a permanent memorial at the San Jacinto Battle Field."

MOORE,
BURNS,
REDDITT.

Read and adopted.

Senator Rawlings offered a substitute which had been printed on page 799 of the Journal.

Senator Moore sent up the following amendment:

Amend Rawlings substitute by adding at the end of subdivision one (1) Item Number three, the following:

"Out of such \$1,000,000, the sum of \$300,000 or so much thereof as may be necessary, shall be used to pay for the erection of a permanent memorial at San Jacinto Battlefield."

MOORE.

Read and adopted by viva voce vote.

Senator Rawlings moved the adoption of his substitute as amended in lieu of the committee substitute for H. B. No. 11.

Senator Burns sent up the following amendment:

Amend Rawlings substitute for H. B. No. 11, by amending Item Number three, by adding a new section to be known as Section 1a:

The sum of \$50,000 is hereby set aside out of said funds hereby appropriated for the City of Huntsville and the home of General Sam Houston.

BURNS,
BLACKERT,
HOLBROOK,
REDDITT.

Read.

Motion to Table.

Senator Hill moved to table the amendment by Senator Burns.

The motion to table prevailed by the following vote:

Yeas—14.

Davis.	Neal.
DeBerry.	Pace.
Duggan.	Poage.
Hill.	Sanderford.
Hopkins.	Small.
Hornsby.	Stone.
Martin.	Van Zandt.

Nays—13.

Beck.	Oneal.
Blackert.	Rawlings.
Burns.	Redditt.
Collie.	Shivers.
Cotten.	Sulak.
Holbrook.	Woodruff.
Moore.	

Present—Not Voting.

Westerfeld.

Absent.

Regan.

Absent—Excused.

Fellbaum.

Senator Holbrook sent up the following amendment:

Amend H. B. No. 11 by changing the words and figures in Section 1 by striking out the words and figures "Three Million Five Hundred and Fifty Thousand (\$3,550,000) Dollars" and substituting therefor the words and figures "Three Million Six Hundred Thousand (\$3,600,000) Dollars" and by adding a new item to be "Item No. 7" to read as follows: Item No. 7. There is hereby appropriated the sum of Fifty Thousand (\$50,000) Dollars to be used and expended by the Centennial Commission in Brazoria County, Texas in purchasing, preserving and erecting memorials, commemorating events and plans, connected with the early history of the Republic of Texas.

HOLBROOK,

Read and pending.

Bill and Resolution Referred.

H. B. No. 720, referred to the Committee on State Affairs.

H. J. R. No. 19, referred to the Committee on Constitutional Amendments.

Bills Signed.

The Chair, Lieutenant Governor Walter F. Woodul, gave notice of signing, and did sign, in the presence of the Senate, after their captions had been read, the following bills:

H. B. No. 556.

H. B. No. 519.

The Chair, President Pro Tem. K. M. Regan, gave notice of signing, and did sign, in the presence of the Senate, after its caption had been read, the following bill:

S. B. No. 321.

Messages from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following messages:

Hall of the House of Representatives,
Austin, Texas, March 27, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has concurred in Senate amendments to H. B. No. 230, March 26, 1935, by a vote of 112 yeas and 2 nays.

S. B. No. 321, A bill to be entitled "An Act amending Sections 17, 18, 19 and 20 of Chapter 290, Acts of the Forty-first Legislature so as to provide for the creation of Union Junior College District where there are two or more contiguous independent school districts or two or more contiguous common school districts or a combination of one or more independent school districts with one or more common school districts of contiguous territory within the same county having a combined taxable wealth of not less than \$9,500,000 and having a scholastic population of not less than 7,000 the next preceding school year and not less than 400 students in the last four years in the classified high school or high schools of said district and further providing for the creation by any county or combination of contiguous counties having a taxable value as hereinabove stated with the same scholastic population and the same

number of students in classified high schools of the county or joint county Junior College and further providing for the filing of a petition for the ordering of an election at the same time an election is held for the creation of a Junior College District, providing for elections to determine the establishment, of such Union Junior College District, or County, or Joint County Junior College District, providing for the administration and control of such colleges, providing for the levy, assessment and collection of taxes for such district, and/or the issuance of bonds for the construction and/or equipment and/or maintenance for such district and to provide for interest and sinking fund for such bonds and further providing for the declaring of results of such election and further providing for the election of Junior College Trustees at the same time an election is held for the creation of such Junior College District and setting forth certain requirements for the candidates for trustees and providing means of declaring results of such election.

The House has adopted the Conference Committee report on H. B. No. 519 by a vote of 122 yeas and 0 nays.

The House refused to concur in Senate amendments to H. B. No. 257, and has requested the appointment of a conference committee to consider the differences between the two houses:

Padgett, Stinson, Ford, Payne and Ash.

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Hall of the House of Representatives,
Austin, Texas, March 27, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has granted the request of the Senate for the appointment of a new conference committee to consider further the differences between the two houses on H. B. No. 779. The following are conferees on the part of the House:

McKee, Knetsch, Graves, Canon and Stanfield.

The House has passed the following bill:

H. B. No. 327, A bill to be entitled "An Act appropriating five million dollars (\$5,000,000) per year, or so much thereof as may be necessary for the next biennium beginning September 1, 1935, and ending August 31, 1937, for the purpose of promoting public school interest and equalizing the educational opportunities afforded by the State to all children of scholastic age within the State, including sufficient funds to match Federal funds appropriated for the purpose of conducting vocational agriculture, home economics, trades and industries, general rehabilitation and rehabilitation for crippled children; attaching conditions, regulations and limitations relative thereto, etc., and declaring an emergency."

Respectfully submitted,

LOUISE SNOW PHINNEY,
Chief Clerk, House of Representatives.

Motion to Recess.

Senator Hopkins at 4:50 o'clock p. m., moved that the Senate recess until 10 o'clock a. m., Thursday.

The motion prevailed by viva voce vote.

APPENDIX.

Petitions and Memorials.

Brownwood, Texas,
March 25, 1935.

Hon. Walter Woodul,
Lieutenant Governor,
Austin, Texas.

My dear Mr. Woodul:

Through you the County Judge and Commissioners of Brown County and the Directors of the Chamber of Commerce wish to extend to the members of the Legislature a most cordial and earnest invitation to attend the semi-annual convention of the West Texas County Judges and Commissioners Association at Brownwood, Friday and Saturday, March 29th and 30th.

This is to be an important assemblage of the county judges and commissioners from approximately 150 counties of Texas. Not only will the citizens of Brownwood appreciate the attendance of the members of the State Senate but the officials and delegates to the convention will be highly gratified if your body will honor us with their presence.

We are confident that you will

enjoy the occasion and that your presence will be of value to the officials of these counties in arriving at a proper solution of the many problems that confront them.

A hearty welcome awaits the members of the State Senate.

Yours very sincerely,

BROWNWOOD CHAMBER OF
COMMERCE,

WENDELL MAYES,

President.

CHESTER HARRISON,

WM:CH/k

Secretary.

Committee on Engrossed Bills.

Committee Room,

Austin, Texas, March 26, 1935.

Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 324 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, March 26, 1935.

Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. B. No. 465 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee Room,

Austin, Texas, March 27, 1935.

Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Engrossed Bills, have had S. J. R. No. 18 carefully examined and compared and find same correctly engrossed.

DAVIS, Chairman.

Committee on Enrolled Bills.

Committee Room,

Austin, Texas, March 27, 1935.

Hon. Walter F. Woodul, President of
the Senate.

Sir: We, your Committee on Enrolled Bills, have had S. B. No. 321 carefully examined and compared and find same correctly enrolled.

POAGE, Chairman.

Committee Reports.

Committee Room,

Austin, Texas, March 26, 1935.

Hon. Walter F. Woodul, President of
the Senate:

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 104, A bill to be entitled "An Act to provide for creating Firemen's Relief and Pension Fund in the State of Texas and in all incorporated cities and towns thereof having a regularly organized fire department with fire fighting equipment or apparatus of the value of \$100.00 or more therein, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass with committee amendments and be printed.

RAWLINGS, Chairman.

Amendment No. 1.

Amend Section 1 by striking out the word "levied" in the sixth line thereof and in lieu thereof insert the word "specified."

Amendment No. 2.

Amend the bill by striking out Section 2 thereof in its entirety and in lieu thereof insert the following:

"Sec. 2. For the purpose of providing funds and revenue for the Firemen's Relief and Pension Fund hereby created, there is hereby diverted and appropriated to and for the use and benefit of such Firemen's Relief and Pension Fund, as herein provided, the sum or sums collected from each and every insurance company, whether a firm, partnership, corporation, mutual or reciprocal company, authorized to transact in this state the business of fire, tornado, hail, windstorm, ocean marine and/or inland marine insurance, by virtue of and being the 2.6 per cent gross premium receipts tax, less the proportion thereof for public school purposes, provided by and collected under authority of Article 7064, Revised Civil Statutes of Texas, 1925, and Acts amendatory thereof, and the State Treasurer is hereby directed to set aside to said fund as and when collected the amount or amounts of such tax as herein provided."

Amendment No. 3.

Amend Section 18 by striking out in lines 4 and 5 on page 12 the following words:

"and which decision or order of the Firemen's Pension Commissioner on appeal shall be final"

and in lieu thereof add a new sentence after the last word in the last line as follows:

"After final decision or order by such Firemen's Pension Commissioner, an appeal therefrom may be taken to the proper court of Travis County, Texas, having jurisdiction of the subject matter, upon the serving within 20 days after date of such decision or order, of a notice in writing of such intention to so appeal, upon the adverse party."

Amendment No. 4.

Amend Section 21 by adding the word "voluntarily" in the seventh line between the words "if" and "out" so as to read:

"If voluntarily out of service," etc.

Amendment No. 5.

Amend Section 28 by striking out the following words:

"Article 7064 of the Revised Civil Statutes of Texas, 1925, is hereby expressly repealed, but"

Amendment No. 6.

Amend Section 20 by inserting between the words "showing" and "the" in the seventh line thereof the following words, to-wit:

"that the department applying for such temporary apportionment has assessed its members the maximum assessment provided hereunder, and showing further"

Committee Room,

Austin, Texas, March 26, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 466, A bill to be entitled "An Act to amend Article 4180, Revised Civil Statutes of Texas, 1925, as amended by Acts 1929, Chapter 305, Forty-first Legislature, page 684, Section 1, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,

Austin, Texas, March 26, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on

Civil Jurisprudence, to whom was referred

S. B. No. 406, A bill to be entitled "An Act amending Article 4000, Title 65, of the Revised Civil Statutes of the State of Texas, adopted at the regular session of the Thirty-ninth Legislature, by adding thereto a provision excepting farm products when offered for sale by the producer, from the operation of the article, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,

Austin, Texas, March 26, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 463, A bill to be entitled "An Act to amend Chapter 19 of the First Called Session of the Forty-first Legislature creating an Advisory Civil Judicial Council, broadening the scope of the powers and duties of said council so as to limit them to civil judicial administration, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,

Austin, Texas, March 26, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 211, A bill to be entitled "An Act amending Article 2237 of the Revised Statutes by dispensing with bills of exception to action on written motions, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,

Austin, Texas, March 26, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Civil Jurisprudence, to whom was referred

S. B. No. 183, A bill to be entitled "An Act to amend Article 4648 of

the Revised Civil Statutes of Texas of 1925 relating to the granting of injunctions and restraining orders, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

SMALL, Chairman.

Committee Room,

Austin, Texas, March 26, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Agriculture to whom was referred

S. B. No. 339, A bill to be entitled "An Act to amend Article 5751, Title 93, of the Revised Civil Statutes of Texas of 1925, by adding a new Section to be known as Section (a); providing for an alternative method of removing officers or directors of marketing associations, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be printed.

DeBERRY, Chairman.

Committee Room,

Austin, Texas, March —, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Agriculture, to whom was referred

H. C. R. No. 50,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass but that the committee substitute pass in lieu thereof and be not printed.

DeBERRY, Chairman.

C. S. to H. C. R. No. 50.

A CONCURRENT RESOLUTION

Whereas, The entire cotton crop of the United States is produced in thirteen Southern States; and,

Whereas, The State of Texas and particularly the farmers of the State of Texas are vitally interested in the production and sale of cotton and cotton products; and,

Whereas, The general prosperity depends to a great extent on the prosperity of the farmers of the State; and,

Whereas, Texas produces practically one-third of the cotton produced in the United States, ninety per cent of which production is exported to foreign countries; and,

Whereas, The maintenance of a foreign market affording a fair price for the cotton produced in this State is of vital concern to all of the people of Texas; and,

Whereas, Statistics show that from August 1st., 1934 to March 1, 1935 the American cotton exports were two million, three hundred twenty one thousand (2,321,000) bales less than for the same period of time the year previous; and,

Whereas, Statistics show that American gin manufacturing companies, during the year of 1934, sold to foreign cotton growing countries more than five and one-half times as much gin machinery as in any previous year; and,

Whereas, The gravity of the cotton export situation is alarming to cotton growing States and the producers of cotton in said States; and,

Whereas, A study of the entire agricultural situation in Texas should be made at this time; be it therefore

Resolved by the Senate of Texas, the House of Representatives of the State of Texas concurring, That the Lieutenant Governor of Texas appoint five members of the Senate to serve with a Committee of five members appointed by the Speaker of the House of Representatives, in a study of the cotton growing and cotton marketing situation, affecting not only the State of Texas but the entire Southern States, with the view of making recommendations to the Legislature of Texas, and to members of Congress from Texas, of any suggested plans and proposals that will remedy the existing conditions; and also to study and make recommendations as to the feasibility of forming a cotton compact with all other cotton producing states in order that not only the State of Texas but the entire South may be well represented and considered in legislation passed by the Congress of the United States affecting the production of cotton; and also for said Committee appointed to study the feasibility of requesting the Legislatures of all cotton producing States to name similar committees to meet with the committee appointed herein in order

to formulate similar plans for State legislation as well as National legislation affecting the production and sale of cotton.

Said Committee shall have power and authority to employ and compensate all necessary employees and it shall be the duty of said committee to make and keep a record of its investigation.

That said committee shall begin and complete its investigation and study at the earliest practicable moment and shall submit a report in writing as soon as possible and not later than the Forty-fifth Regular Session of the Legislature within thirty days after the convening thereof in regular session. The compensation and expenses herein provided for incident to such investigation and study shall be paid out of the appropriation for mileage and per diem and contingent expenses of the Forty-fourth Legislature, upon sworn account of persons entitled to such pay when approved by the chairman of said Committee, and sufficient money is hereby appropriated out of the mileage and per diem and contingent fund of said Forty-fourth Legislature to meet the payment of expenses of the members of said Committee and all necessary employees and other expenses incident to said investigation.

Committee Room,

Austin, Texas, March 26, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Towns and City Corporations, to whom was referred

S. B. No. 354, A bill to be entitled "An Act to amend the law relating to water improvement districts by amending Section 21 of Chapter 87 of the General Laws enacted by the Thirty-fifth Legislature of the State of Texas at its regular session, in order to better and further define the general powers of such districts by giving to such districts the powers to adopt and promulgate reasonable police ordinances or regulations, etc., and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do not pass, and be not printed, but that the committee substitute hereto attached

do pass in lieu thereof, and be printed in bill form.

RAWLINGS, Chairman.

Committee Room,

Austin, Texas, March 26, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on State Affairs, to whom was referred

H. C. R. No. 31, a concurrent resolution "Granting D. R. Pinney, of Hudspeth County, permission to bring suit against the State of Texas and the State Highway Commission."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

PACE, Chairman.

Committee Room,

Austin, Texas, March 26, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Game and Fish, to whom was referred

H. B. No. 579, A bill to be entitled "An Act making it unlawful for any person to take or catch any fish in the waters of any stream, lake, pool, or reservoir of certain counties in this State during the months of April and May of each year; fixing a penalty, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

SHIVERS, Chairman.

Committee Room,

Austin, Texas, March 27, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Judicial Districts, to whom was referred

H. B. No. 469, A bill to be entitled "An Act to amend Sections 34, 41, 65 (so noted in the Revised Civil Statutes of Texas of 1925), Article 199, Title 8, of the Revised Civil Statutes, of Texas, of 1925, and Chapter 92, General Laws of the Forty-first Legislature, Regular Session, changing the time of holding the terms of the District Courts of the Thirty-fourth, Forty-first, and Sixty-fifth Judicial Districts of Texas; and permitting the continuing of the terms of court in Hudspeth and Culberson Counties by the court; and repealing all laws and parts of laws

in conflict herewith, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MARTIN, Chairman.

Committee Room,

Austin, Texas, March 25, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

S. B. No. 462, A bill to be entitled "An Act providing that it shall be unlawful for any person, firm or corporation to sell or to offer for sale, within the State of Texas, any goods, wares and/or merchandise manufactured, wholly or in part, by convicts or prisoners in penal and/or reformatory institutions except convicts or prisoners on parole or probation, providing exemptions, and providing penalties; and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SHIVERS, Vice-chairman.

Committee Room,

Austin, Texas, March 25, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred

S. B. No. 131, A bill to be entitled "An Act to amend Sections 1, 2 and 4 of Chapter 45, Acts of the Forty-third Legislature, Regular Session, relating to the wages paid on public work, and declaring an emergency."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SHIVERS, Vice-chairman.

Committee Room,

Austin, Texas, March 25, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Labor, to whom was referred S. B. No. 413,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be printed.

SHIVERS, Vice-chairman.

Minutes of Committee Meetings.

Minutes of Committee on Agricultural Affairs, Held March 26, 1935.

Regular Meeting.

Present: DeBerry, Sulak, Poage, Beck, Duggan, Stone, Van Zandt, Neal and Hill.

Absent—excused: Small.

H. C. R. No. 27 was referred to a subcommittee composed of Sulak, Hill, Neal and Poage.

S. B. No. 339 was reported favorably by viva voce vote.

H. C. R. No. 50 was reported favorably with committee substitute.

S. B. No. 402 was set for special hearing at next regular meeting, Tuesday, March 2nd.

DICK DeBERRY, Secretary.

Minutes of State Affairs Committee, Held March 26, 1935.

Regular Meeting.

Present: Pace, Blackert, Collie, Cotten, DeBerry, Holbrook, Hopkins, Hornsby, Martin, Moore, Oneal, Rawlings, Redditt, Regan, Shivers, Small, Stone and Sulak.

Absent—excused: Fellbaum.

H. C. R. No. 31 was reported favorably by viva voce vote with the recommendation that it be printed.

W. S. REEVES, Secretary.

Committee Room,

Austin, Texas, March 27, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: We, your Committee on Education, to whom was referred H. B. No. 251,

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass and be not printed.

DUGGAN, Chairman.

Minutes of Committee on Civil Jurisprudence, Held March 26, 1935.

Regular Meeting.

Present: Small, Blackert, Collie, Davis, Hornsby, Moore, Oneal, Shivers, Van Zandt and Westerfeld.

Absent—excused: Fellbaum, Hill, Hopkins, Rawlings and Redditt.

S. B. No. 463 was reported favorably by viva voce vote.

S. B. No. 406 was reported favorably by viva voce vote.

S. B. No. 211 was reported favorably by viva voce vote.

S. B. No. 183 was reported favorably by viva voce vote.

S. B. No. 466 was reported favorably by viva voce vote.

H. B. No. 556 was reported favorably by viva voce vote.

H. B. No. 456 was reported favorably by viva voce vote.

HERMAN B. HILL, JR.,
Secretary.

FORTY-THIRD DAY.

(Continued.)

Senate Chamber,
Austin, Texas,
March 28, 1935.

The Senate met at 10 o'clock a. m., pursuant to recess, and was called to order by Lieutenant Governor Walter F. Woodul.

House Bill No. 11.

Recurring business was H. B. No. 11.

Senator Holbrook was recognized on his pending amendment.

Senator Poage was recognized to discuss the amendment.

Points of Order.

Senator Davis raised the point of order that Senator Poage's time had expired in discussion of the amendment.

The Chair, Senator Woodruff presiding, overruled the point of order.

Senator Shivers raised the point of order that Senator Poage was not discussing the amendment which was before the Senate, but the bill in general.

The Chair, Senator Woodruff presiding, overruled the point of order.

Senator Davis had the floor.

Senator Rawlings asked unanimous consent that Senator Holbrook be allowed to withdraw his amendment to the Rawlings amendment.

Unanimous consent was granted.

Senator Holbrook withdrew his amendment to the Rawlings amendment, pending the adoption of the Rawlings amendment.

Senator Rawlings moved the adoption of his amendment to the committee substitute for H. B. No. 11.

The motion to adopt the Rawlings amendment prevailed by the following vote:

Yeas—16.

Beck.	Neal.
Blackert.	Rawlings.
Burns.	Regan.
Collie.	Sanderford.
Davis.	Small.
Holbrook.	Stone.
Hopkins.	Sulak.
Moore.	Westerfeld.

Nays—12.

Cotten.	Pace.
DeBerry.	Poage.
Duggan.	Redditt.
Hill.	Shivers.
Hornsby.	Van Zandt.
Oneal.	Woodruff.

Absent.

Martin.

Absent—Excused.

Fellbaum.

Senator Holbrook sent up the following amendment:

Amend S. C. S. as amended to H. B. No. 11, by adding a new item to be "Item No. 7" to read as follows: "Item No. 7. There is hereby appropriated out of any fund herein appropriated the sum of Fifty Thousand (\$50,000) Dollars to be used and expended by the Centennial Commission in Brazoria County, Texas in purchasing, preserving and erecting memoriales, commemorating events and plans, connected with the early history of the Republic of Texas.

HOLBROOK.

Read.

Senator Davis was recognized to discuss the amendment.

Message from the House.

The Chair recognized the Doorkeeper, who introduced a messenger from the House with the following message:

Hall of the House of Representatives,
Austin, Texas March 28, 1935.

Hon. Walter F. Woodul, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House